

**BOARD OF COUNTY COMMISSION  
AGENDA ITEM SUMMARY**

Meeting Date: 6/15/05 - Marathon

Division County Attorney's Office

Bulk Item: Yes X No     

Staff Contact Person: Suzanne Hutton

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**AGENDA ITEM WORDING:**

Approval to advertise a public hearing for an Ordinance correcting legal descriptions of Duck Key MSTU set forth in emergency Ordinance No. 10-2005, and for said advertisement to also include advertising Ord. No. 10-2005, for a public hearing.

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**ITEM BACKGROUND:**

Due to a time crunch to get the Property Appraiser corrected legal descriptions for the Stock Island, Cudjoe-Sugarloaf, Big Pine, Conch Key, and Duck Key MSTU's, Ord. No. 10-2005 was passed using emergency provisions for ordinances. It was desired at that time to give the public proper notice and an opportunity to be heard, even if after the fact, so that if deemed appropriate, the emergency ordinance could be modified. After the ordinance was passed, it became apparent that the Duck Key MSTU includes the site of the wastewater treatment plant which serves that area of Duck key not in the MSTU. A revision is necessary for the boundaries of the MSTU to exclude that parcel.

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**PREVIOUS RELEVANT BOCC ACTION:**

Ordinance No. 10-2005 was approved on an emergency basis..

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** N/A

**BUDGETED:** Yes      No     

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes X No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

  
JOHN R. COLLINS, COUNTY ATTORNEY

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**                                     

Revised 2/05

**AGENDA ITEM #**



**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION, MONROE COUNTY CODE, IN ORDER TO PROVIDE REVISED LEGAL DESCRIPTIONS OF DUCK KEY MUNICIPAL SERVICE TAXING UNIT SET FORTH IN ORDINANCE NO. 10-2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE**

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**WHEREAS**, Ordinance No. 10-2005 was approved May 18, 2005, as an emergency ordinance to redefine the boundaries of municipal service taxing units (MSTU's) for the purposes of assessing and collecting taxes to pay for administration, planning and development costs associated with and incurred in advancing wastewater and reclaimed water projects for the following units: Stock Island, Cudjoe-Sugarloaf, Big Pine, Conch Key, and Duck Key; and

**WHEREAS**, the Duck Key MSTU as described in said ordinance erroneously included parcel 1 of RE 378380, which parcel is the site of the Duck Key Wastewater Cooperative wastewater treatment plant; and

**BE IT ORDAINED** BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

**Section 1.** Section 15.5-191A(a), Monroe County Code shall be amended to read:

(a) Pursuant to the provisions of section 125.01(1)(q), Florida Statutes, there is hereby created a Municipal Service Taxing Unit to be known as the Duck Key Municipal Service Taxing Unit. The Duck Key Municipal Service Taxing Unit shall encompass that portion of the unincorporated County bounded on the north by U.S. Highway 1, on the west by Tom's Harbor Channel, on the South by Hawk's Channel, and on the East by Tom's Harbor Cut; an area commonly known as "Duck Key, including islands known as Center Island, Harbor Island, Plantation Island, and Yacht Club Island, but excluding Indies Island and Parcel 1 of RE #37830.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.



**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 4.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 5.** This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 18th day of May, 2005.

Mayor Dixie M. Spehar \_\_\_\_\_  
Mayor Pro Tem Charles "Sonny" McCoy \_\_\_\_\_  
Commissioner Murray Nelson \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_

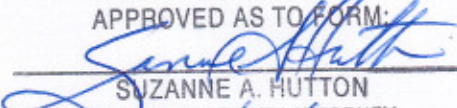
(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

  
SUZANNE A. HUTTON  
ASSISTANT COUNTY ATTORNEY  
Date 5/26/05